

NOV 10 2015

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

JULIA S. ENDLEY, CLERK
BY: 
DEPUTY CLERK

OWAIIAN M. JONES,
Plaintiff,

v.

THE UNITED STATES MARSHAL
SERVICE, et al.,
Defendants.

Civil Action No. 7:15-cv-00608

MEMORANDUM OPINION

By: Hon. Michael F. Urbanski
United States District Judge

Owaiian M. Jones, a Virginia inmate proceeding pro se, commenced this civil action pursuant to 42 U.S.C. § 1983. Upon a review of court records, it appears that Plaintiff had at least three non-habeas civil actions or appeals dismissed as frivolous, as malicious, or for failing to state a claim before he commenced this action. See, e.g., Jones v. United States of America, No. 7:14-cv-00410, slip op. at 2-3 (W.D. Va. Aug. 6, 2014), appeal dismissed as frivolous, No. 14-7188, slip op. at 2 (4th Cir. Dec. 16, 2014); Jones v. United States District Court for the Western District of Virginia, No. 7:14-cv-00499, slip op. at 2 (W.D. Va. Sept. 30, 2014); see also McLean v. United States, 566 F.3d 391, 399 (4th Cir. 2009) (dismissals without prejudice for frivolousness should not be exempted from 28 U.S.C. § 1915(g)). Inasmuch as the record provides no reason to exempt Plaintiff from 28 U.S.C. § 1915(g), the court dismisses this action without prejudice for Plaintiff's failure to pay the filing fee when filing the complaint.¹ See, e.g., Dupree v. Palmer, 284 F.3d 1234, 1237 (11th Cir. 2002) (reasoning that the filing fee is due upon filing a civil action when in forma pauperis provisions do not apply to plaintiff and that the court

¹ Plaintiff's handwritten complaint is nearly illegible. As best as the court can determine, Plaintiff claims in the first paragraph that the jail has a secret file on him. The second paragraph is largely unintelligible. Although it appears to reference mental health concerns, the court cannot decipher whether plaintiff is referring to himself or a defendant. Utterly devoid of context or explanation, the court does not read the second paragraph to allege an imminent danger to Plaintiff.

is not required to permit plaintiff an opportunity to pay the filing fee after recognizing plaintiff is ineligible to proceed in forma pauperis).

ENTER: This 10th day of November, 2015.

/s/ Michael F. Urbanski

United States District Judge